

**COMBINED DECLARATION AND
POWER OF ATTORNEY
IN ORIGINAL APPLICATION**

Attorney Docket No.

A48.12-0014

SPECIFICATION AND INVENTORSHIP IDENTIFICATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed, and for which a patent is sought, on the invention entitled OPTICAL DEVICE the specification of which,

(check one) X is attached hereto.
_____ was filed on _____ as Appln. No. _____.
_____ and was amended on _____.
_____ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is known to me to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

PRIORITY CLAIM (35 U.S.C. § 119)

Prior Foreign Application(s)

I claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below, each of which is incorporated by reference in its entirety, , each of which is incorporated by reference in its entirety, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Day/Month/Year Filed	Priority Claimed
_____	_____	_____	Yes _____ No _____
_____	_____	_____	Yes _____ No _____

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States Provisional Application(s) listed below, each of which is incorporated by reference in its entirety:

Number	Day/Month/Year Filed
_____	_____
_____	_____

PRIORITY CLAIM (35 U.S.C. § 120)

I claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, each of which is incorporated by reference in its entirety. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Appln. No.	U.S. Appl. No. (if any under PCT)	Filing Date	Status
09/789,124		February 20, 2001	Pending
09/789,125		February 20, 2001	Pending
09/789,185		February 20, 2001	Pending
09/789,317		February 20, 2001	Pending

DECLARATION

I declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

I appoint the following attorneys and agents to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation: Judson K. Champlin, Reg. No. 34,797; Joseph R. Kelly, Reg. No. 34,847; Nickolas E. Westman, Reg. No. 20,147; Steven M. Koehler, Reg. No. 36,188; David D. Brush, Reg. No. 34,557; John D. Veldhuis-Kroeze, Reg. No. 38,354; Deirdre Megley Kvale, Reg. No. 35,612; Theodore M. Magee, Reg. No. 39,758; Peter S. Dardi, Reg. No. 39,650; Christopher R. Christenson, Reg. No. 42,413; John A. Wiberg, Reg. No. 44,401; Brian D. Kaul 41,885; Robert M. Angus, Reg. No. 24,383; Christopher L. Holt, Reg. No. 45,844; and Alan G. Rego, Reg. No. 45,956.

I ratify all prior actions taken by Westman, Champlin & Kelly, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

DESIGNATION OF CORRESPONDENCE ADDRESS

Please address all correspondence and telephone calls to Judson K. Champlin in care of:

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Inventor: Steven K. Case
(Signature)

Date: 31 July 2001

Inventor: Steven K. Case
(Printed Name)

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Inventor: Timothy A. Skunes
(Signature)

Date: 31 July 2001

Inventor: Timothy A. Skunes
(Printed Name)

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Citizenship: U.S.A.

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Inventor: Gregory S. Mowry
(Signature)

Date: 31 July 2001

Inventor: Gregory S. Mowry
(Printed Name)

Residence: Burnsville, Minnesota

Citizenship: U.S.A.

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**STATEMENT CLAIMING
SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

Attorney Docket No.

A48.12-0014

First Named
Inventor : Steven K. Case et al.

Title : OPTICAL DEVICE

With respect to the invention described in

☒ the application filed herewith:

 Application No. , filed :

 Patent No. , issued :

I. IDENTIFICATION OF DECLARANT AND ANY RIGHTS AS A SMALL ENTITY

I am:

 the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN Avanti Optics Corporation

ADDRESS OF CONCERN 13755 First Avenue North, Suite 500
Minneapolis, Minnesota 55441

The above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and (b).

II. OWNERSHIP OF INVENTION BY DECLARANT

Rights under contract or law remain with or have been conveyed to the above-identified concern. If the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person who could not be classified as (1) an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, (2) a small business concern under 37 C.F.R. § 1.9(d) or (3) a non-profit organization under 37 C.F.R. § 1.9(e).

☒ There is no such person, concern, or organization.

 The person, concerns or organizations are listed below:

FULL NAME

ADDRESS

- [] Individual
[] Small Business Concern
[] Non-Profit Organization

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change resulting in loss of entitlement to small entity status pursuant to 37 C.F.R. § 1.28(b).

IV. SIGNATURES

SIGNATURE Timothy A. Skunes

Date: 31 July 2001

NAME OF PERSON SIGNING Timothy A. Skunes

TITLE OF PERSON Vice President Systems Development

ADDRESS OF PERSON SIGNING 13755 First Avenue North, Suite 500, Minneapolis, Minnesota 55441